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DISCUSSION

OF THE

Campbell Oyster Culture Bill

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AS AMENDED BY THE

PRICE OYSTER PLAN

PROVIDING FOR

Conservation of Natural Oyster Bars

ALONG WITH

Oyster Culture on Barren Bottoms

ESSENTIAL FEATURES OF THE CAMPBELL-PRICE BILL.

1st. Stringent regulations protecting the 215,852 acres of natural oyster bars reserved for the sole use of oystermen by the Maryland Oyster Survey.

2d. Provisions for increasing revenues through encouraging the leasing of barren oyster bottoms by granting certain privileges to oyster planters necessary for the profitable cultivation of oysters.

3d. Conservation and restoration of natural oyster bars through reselling and cultivation by providing for the equal division of the revenue received from oyster planting between a "Special Road Fund" and a "Fund for the Conservation of Natural Oyster Bars."

Published by the
MARYLAND SHELL FISH COMMISSION
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PRESENT STATUS OF THE "MARYLAND OYSTER QUESTION."

Natural Oyster Bars: In compliance with the provisions of the Haman Oyster Culture Law, the Maryland Shell Fish Commission in co-operation with the United States Coast and Geodetic Survey and the United States Bureau of Fisheries has surveyed, charted and legally defined 215,852 acres of natural oyster bars which are reserved for all time for the sole use of Oystermen.

Leasable Bottoms: The Maryland Oyster Survey, although carried on primarily for the purpose of surveying public natural oyster bars, also developed the fact that the State of Maryland,—outside of the 215,852 acres of public oyster bars reserved for oystermen—owns 300,000 acres of barren bottoms where oysters do not now grow but on which experts and practical oystermen say oysters can be made to grow.

Conservation of Natural Oyster Bars: The history of the growth and decline of the industry of taking oysters from the natural oyster bars of Maryland shows that these bars produced an average of 12,000,000 bushels during the fifteen years of 1873-88, and that now by reason of a lack of remedial legislation providing for the practical conservation of these vast oyster resources, these same natural oyster bars only produce 4,000,000 bushels.

Expenses of Protecting Natural Oyster Bars: The State of Maryland has for years been compelled to make direct appropriations aggregating at this date over \$100,000 in excess of oyster revenues that could be utilized for the expenses of the State Fishery Force in protecting the Natural Oyster Bars. In view of the preceding fact, it is not reasonable to suppose that the Governor and the Legislature will consent to make additional direct appropriations of the \$25,000 that ought to

be expended annually for the purpose of restoring the natural oyster bars of the State.

Revenue from Leasing: Experts say that fully 100,000 acres of the so-called barren bottoms of Maryland are of the best order for the cultivation of oysters; and that with reasonable and practical oyster culture laws such as are in force in all progressive oyster culture states, *these 100,000 acres will yield the State a large revenue in the near future.*

Campbell-Price Bill: In consequence of the facts stated it is now proposed in the Campbell-Price Bill to provide for the Conservation of Natural Oyster Bars along with Oyster Culture on Barren Bottoms by :

1st. Stringent regulations protecting the 215,852 acres of natural oyster bars reserved for the sole use of oystermen by the Maryland Oyster Survey.

2d. Provision for increasing revenues through encouraging the leasing of barren oyster bottoms by granting certain privileges to oyster planters necessary for the profitable cultivation of oysters.

3d. Conservation and restoration of natural oyster bars through reselling and cultivation by providing for the equal division of the revenue received from oyster planting between a "Special Road Fund" and a "Fund for the Conservation of Natural Oyster Bars."

Maryland Oyster Controversy: Those actively interested in the oyster question of Maryland seem to be divided into three classes, as follows :

1st. Oystermen and oyster packers interested in the restoration of the 215,852 acres of natural oyster bars reserved for the use of the public by the Maryland Oyster Survey.

2d. Oyster planters and oyster packers interested in the development of the 300,000 acres of barren bottoms pointed out by the Maryland Oyster Survey as bottoms where oysters can be made to grow profitably by cultivation.

3d. Those who earnestly believe with the Crothers Oyster Commission in both the restoration of public natural oyster bars and the cultivation of barren bottoms, but who feel that the better manner of accomplishing these objects is to so change, by new laws, the plan of the state administration of the oyster forces of Maryland, that an unpaid Board of Fisheries will take over the functions of both the Shell Fish Commission and the State Fishery Force and also have restricted discretionary power to carry on the conservation and cultivation of the oyster resources of Maryland by such means as they find best suited to the interests of all concerned.

The only comment necessary on this phase of the question is the obvious one that the Campbell-Price Bill unites the objects of the first and second classes, and at the same time in no way clashes with the aims of the third class.

THE CAMPBELL-PRICE BILL.

Explanation.

A discussion of each proposed amendment to the Haman Oyster Law is boxed in lines and appears immediately under the corresponding change in the wording of the original law, and consequently the text of the bill itself need not be used except for purposes of technical reference.

All words added to existing oyster laws have been typed in CAPITALS.

All words "struck out" from existing oyster laws have been printed in (*italics and enclosed in parenthesis.*)

A BILL ENTITLED AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH AND PROMOTE THE INDUSTRY OF OYSTER CULTURE IN MARYLAND, TO DEFINE AND MARK NATURAL OYSTER BEDS, BARS AND ROCKS LYING UNDER THE WATERS OF THIS STATE, TO PRESCRIBE PENALTIES FOR THE INFRINGEMENT OF THE PROVISIONS OF THIS ACT, AND TO ADD NEW SECTIONS TO ARTICLE 72 OF THE CODE OF PUBLIC GENERAL LAWS, TO FOLLOW SECTION 82, AND TO BE DESIGNATED, RESPECTIVELY, AS SECTIONS 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118 AND 119 ", BY REPEALING AND RE-ENACTING WITH AMENDMENTS SECTIONS 98, 100, 102, 105, 110, 112, 116 AND 118 OF ARTICLE 72 OF THE CODE OF PUBLIC GENERAL LAWS (EDITION 1994), AS ENACTED IN CHAPTER 711 OF THE ACTS OF 1906, AND BY ADDING EIGHT NEW SECTIONS TO SAID ARTICLE 72, ONE TO FOLLOW SECTION 112, AND TO BE DESIGNATED AS SECTION 112 A, ONE TO FOLLOW SECTION 115 AND BE DESIGNATED AS SECTION 115 A, AND SIX OTHERS TO FOLLOW SECTION 119 AND TO BE DESIGNATED AS 119 A, 119 B, 119 C, 119 D, 119 E AND 119 F.

SECTION 1. *BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND*, THAT SECTIONS 98, 100, 102, 105, 110, 112, 116 AND 118 OF ARTICLE 72 OF

THE CODE OF PUBLIC GENERAL LAWS, AS ENACTED IN CHAPTER 711 OF THE ACTS OF 1906, ENTITLED "AN ACT TO ESTABLISH AND PROMOTE THE INDUSTRY OF OYSTER CULTURE IN MARYLAND, TO DEFINE AND MARK NATURAL OYSTER BEDS, BARS AND ROCKS LYING UNDER THE WATERS OF THIS STATE, TO PRESCRIBE PENALTIES FOR THE INFRINGEMENT OF THE PROVISIONS OF THIS ACT, AND TO ADD NEW SECTIONS TO ARTICLE 72 OF THE CODE OF PUBLIC GENERAL LAWS, TO FOLLOW SECTION 82, AND TO BE DESIGNATED RESPECTIVELY AS SECTIONS 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118 and 119," BE AND THE SAME ARE HEREBY REPEALED AND RE-ENACTED WITH AMENDMENTS, SO AS TO READ AS FOLLOWS:

SECTION 98. After the survey provided for herein shall have been completed, it shall be the duty of the Board of Shell Fish Commissioners to lease, in the name of the State of Maryland, tracts or parcels of land beneath the waters of this State, whether within the limits of the counties or elsewhere, in the area to be opened for oyster culture, according to the provisions of this act; provided that no tract so leased, if situated within the territorial limits of any county in this State, shall contain less than one acre of land, and if situated in any other place, no tract so leased shall contain less than five acres. It shall be the duty of said board to require that the tracts so leased shall be as nearly rectangular as is convenient. It shall be the duty of the said board to demand from each lessee payment of the rent each year in advance. No person shall be permitted, by lease, assignment or in any other manner, to acquire a greater amount of land than (*ten*) THIRTY acres situated within the

territorial limits of any of the counties, or (one) FIVE hundred acres in any other place ; PROVIDED, HOWEVER, THAT AN INDIVIDUAL MAY ACQUIRE A TRACT NOT EXCEEDING ONE HUNDRED ACRES OF LAND BENEATH THE WATERS OF TANGIER SOUND.

Discussion: The preceding amendments to existing laws indicated by words in CAPITALS provide for an increase in the maximum area which may be leased by any one person.

The greatest possible profits from planting oysters on barren bottoms of the limited acreage permitted by existing laws are too small to warrant the purchase of the necessary equipment for cultivation of oysters on such areas, or to warrant the cost of the equally necessary equipment and services required for private police protection.

The increase in Tangier Sound is made desirable by the fact that its waters are practically "open waters." This part of the amendment is made necessary by reason of a legal interpretation which classifies waters of Tangier Sound as being "within territorial limits."

(Section 98, continued): Leases of such lands shall be made only to residents of Maryland. The term of such leases shall be twenty years, and the annual rent reserved to the State shall be one dollar per acre for each of the first two years of said term of twenty years ; two dollars per acre for the third year ; three dollars per acre for the fourth year ; four dollars per acre for the fifth year ; and five dollars per acre during the remainder of the term ; PROVIDED, HOWEVER, THAT ON ALL LEASES WHICH HAVE HERETOFORE BEEN MADE, OR MAY HEREAFTER BE MADE HEREUNDER, THE ANNUAL RENT PAYABLE TO THE STATE THERE-

UNDER AT ANY TIME PRIOR TO APRIL 1ST, 1918, SHALL BE ONE DOLLAR PER ACRE, AND THE INCREASE IN ANNUAL RENTALS HEREIN PROVIDED FOR THE THIRD, FOURTH, FIFTH AND SUBSEQUENT YEARS DURING THE TERM OF ANY LEASE SHALL NOT SOONER BECOME EFFECTIVE THAN FOR THE FIRST, SECOND, THIRD AND SUBSEQUENT YEARS, RESPECTIVELY, OF THE PORTION OF THE TERM OF SUCH LEASE SUBSEQUENT TO THE 1ST DAY OF APRIL, 1918.

Discussion : The above amendment provides for decreased rentals to \$1.00 per acre until April 1, 1918.

It is proposed in response to a strong demand from prospective oyster planters who state they should be given a reasonable opportunity for building up their business before being charged a rental which they now consider prohibitive.

It is so worded that the State does not in any way give up any existing rights to ultimately increase the revenues which it can reasonably hope to obtain from the State-owned barren oyster bottoms.

(Section 98, Continued) If any part of the rent reserved under such lease shall remain unpaid for more than six months after the same becomes due, such lease or leases may, at the option of the Board of Shell Fish Commissioners, be declared void, and in that event the land shall revert to the State, and may be leased again in accordance with the provisions of this Act. The said Board may, at the request of any lessee, if it shall appear equitable so to do, upon cause shown in writing, cancel his lease as to the whole or a part of the lands leased. THE BOARD OF SHELL FISH COMMISSIONERS IS HEREBY DIRECTED TO SUBMIT A PLAN TO THE NEXT SESSION OF THE GENERAL ASSEMBLY OF MARYLAND

PROVIDING FOR THE ASSESSMENT OF RENTALS
FOR LEASED BOTTOMS IN ACCORDANCE WITH THE
VALUE OF THESE BOTTOMS FOR THE CULTIVA-
TION OF OYSTERS.

Discussion : The preceding amendment provides for a report to be made to the next legislature on the advisability of establishing some method of assessing rentals according to the value of the leased bottoms. It has been added in compliance with the suggestions of certain prominent officials who feel that while some areas may not be worth the yearly rental of one dollar per acre that there is much other land worth at least ten dollars per acre.

SECTION 100. For a period of (*four months*) THIRTY DAYS after the said survey shall have been completed, or after any area shall have been opened to leasing under the preceding sections, citizens of Maryland, residing in any part of the State, who, at the time of the completion of said survey, or at the respective times of the opening for oyster culture of the several areas, as the case may be, may be owners of land having a water front upon any part of the said areas so opened to oyster culture, shall have the exclusive right to rent any land opened to oyster culture under the provisions of the act, adjacent to their lands. And for an additional period of (*six months*) THIRTY DAYS after the expiration of the said period of (*four months*) THIRTY DAYS all boatmen, residents of this State, who shall be engaged in the business of dredging, scraping or tonging for oysters at the time of the completion of the said survey, or at the respective times of the opening for oyster culture of the several areas, or if said survey shall be completed, or the said areas shall be opened to oyster culture during the closed season for dredging, scraping or tonging, as the case may be, then the person so engaged at the end of the last dredging, scraping or tonging

season shall have the like exclusive right in the order of their respective applications, as the same may be received and opened by the Board of Shell Fish Commissioners to rent any adjacent lands ; provided, that in no event shall any such landowner, boatman or any other person be permitted to rent or acquire more than (*ten*) THIRTY acres, ONE HUNDRED ACRES, or (*one*) FIVE hundred acres, as the case may be, dependent upon the situation of the land which is leased or acquired ; and provided, further, that no such riparian landowner, as is mentioned in this section, shall be entitled to rent the amount of (*ten*) THIRTY acres, ONE HUNDRED ACRES, or (*one*) FIVE hundred acres, as the case may be, unless the water front of the land so owned by him, if fronting on water within the territorial limits of a county, be at least two hundred yards, or if fronting on waters in any other place, be at least seven hundred yards. The owners of land having a less water front than is mentioned above shall be entitled to rent a proportionately less amount of land, dependent upon the length of the front upon water within county limits or elsewhere.

Discussion: The preceding amendments in relation to the period within which certain classes of individuals have priority of rights to lease barren bottoms will be only effective in Talbot and Dorchester counties which have not yet been opened for leasing.

They are not essential amendments except in so far as they will permit Talbot and Dorchester counties to obtain full rights of leasing before the opening of the next oyster season.

The above amendments in relation to acreage that may be leased are only necessary as a part of similar provisions in Section 98 and discussed under that heading.

SECTION 102. When the period of (*ten months*), SIXTY DAYS shall have elapsed after said survey shall have been completed, and after the lands beneath the waters of any area shall have been opened to leasing under Section 99 of this Act, the Board of Shell Fish Commissioners shall endeavor to lease the remaining portions of land so open to oyster culture under the provisions of this Act to applicants, who shall be residents of Maryland, in the order of their applications received and opened by said Commissioners.

Discussion: The above amendment in relation to the period within which certain classes of individuals have priority of rights to lease barren bottoms is only necessary as a part of a related provision in Section 100 and discussed under that heading.

SECTION 105. The relation of landlord and tenant stated in Section 104 shall have all the incidents attaching to that relation as the same exists under the laws of Maryland, excepting only the following particulars :

(First: The only remedy of the State for non-payment of the rent of oyster lands shall be the strict enforcement of the provisions set forth in Section 98 of this Act. Upon the non-payment of any rent for the time therein mentioned it shall be the duty of the Board of Shell Fish Commissioners, after a written notice of not less than ten days to the lessee, to declare the lease vacated by stamping the word "Void" in distinct letters across the description in the register.)

(Second) FIRST: Land leased under this act shall be used only for the purpose of planting and cultivating oysters ;

(Third) SECOND: No right shall exist to redeem or purchase any land of the State so leased ;

(*Fourth*) **THIRD:** Any other modification caused by the provisions of this act.

Discussion: The above amendments are connected with the proposed new Section 115 A, which relates to the collection of rentals, and they are discussed under that heading.

SECTION 110. No assignment or transfer of any interest acquired by this Act shall be valid for any purpose if made to a non-resident of this State. If any such assignment is attempted to be made, all interest of the grantor, or assignor, shall revert to the State as if no lease had ever been made. If any assignment of any interest created by this act is attempted to be made to any corporation, or joint stock company, all the interest of the grantor or assignor shall revert to the State as if no lease had ever been made. If any assignment or any interest created by this act is attempted to be made to any person in such a way that the assignee shall become the holder of more than (*ten*) **THIRTY** acres, **ONE HUNDRED ACRES**, or (*one*) **FIVE** hundred acres, as the case may be, according to the location of land leased under this Act, all interest of the grantor or assignor, in case of such an assignment, shall revert to the State as if no lease had been made.

Discussion: The preceding amendment is only necessary as a part of the amendments proposed to Section 98 for the increase in acreage of State-owned bottoms that may be leased by one individual, and is discussed under that heading.

SECTION 112. It shall not be necessary for any holder of oyster land under this Act to take out any license for dredging, scraping or tonging oysters on any land so held by him; and oysters on such land may be taken in such manner as may be

desired by the holder of such land, and at such times as may be desired by the holder of such land, BETWEEN SUNRISE AND SUNSET OF ANY WEEK DAY BETWEEN THE FIFTEENTH DAY OF SEPTEMBER IN ANY YEAR AND THE FIFTEENTH OF JUNE IN THE FOLLOWING YEAR (*as allowed by the existing laws of this State*). IT IS, HOWEVER, SPECIALLY PROVIDED THAT IT SHALL BE UNLAWFUL FOR ANY HOLDER OF LAND UNDER THIS ACT TO TAKE UP OYSTERS FROM THE LAND SO HELD BY HIM DURING THE CLOSED SEASON FOR THE DREDGING OF OYSTERS FROM THE NATURAL BARS OF THIS STATE, UNTIL AFTER HE HAS GIVEN A WRITTEN NOTICE OF AT LEAST THREE DAYS OF HIS INTENTION SO TO DO, TO THE OFFICIAL IN CHARGE OF THE NEAREST POLICE BOAT, IN WHICH NOTICE HE SHALL NAME THE WEEK DAY OR WEEK DAYS AND THE HOURS BETWEEN SUNRISE AND SUNSET OF SUCH WEEK DAY OR WEEK DAYS IN SUCH CLOSED SEASON DURING WHICH HE MAY INTEND TO TAKE OYSTERS FROM SUCH LAND, AND IT SHALL BE UNLAWFUL FOR THE HOLDER OF ANY SUCH LAND TO TAKE UP OYSTERS FROM THE LAND HELD BY HIM AT ANY OTHER TIMES THAN THOSE NAMED IN SUCH NOTICE. ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS SECTION SHALL BE DEEMED GUILTY OF A MISDEMEANOR, AND UPON INDICTMENT AND CONVICTION IN ANY CIRCUIT COURT FOR ANY COUNTY OF THIS STATE, OR IN THE CRIMINAL COURT OF BALTIMORE CITY, BEFORE WHICH SUCH CASE IS TRIED, SHALL BE SUBJECT TO ALL THE PENALTIES PROVIDED IN SEC. 24 OF THIS ARTICLE FOR TAKING OYSTERS UNLAWFULLY WITHIN THE PROVISIONS OF CERTAIN SECTIONS THEREIN REFERRED TO.

Discussion : The preceding amendments permitting the taking and cultivation of leased oyster plantations on the same practical basis existing in all the progressive oyster states which have been increasing their oyster industries while those of Maryland have been decreasing, are the very "key-stone" of the whole Campbell-Price Bill.

To fail to enact the essential features of this Section, is to fail to provide that which is absolutely necessary for a real oyster culture that will actually mean anything to the oyster industry of the State.

Such a failure to enact the essential features of the preceding sections means further that no revenue of any importance can be expected from the lease of the immensely valuable barren oyster bottoms of the State, and therefore it also means that the "Fund for the Conservation of Natural Oyster Bars" established in other sections of the Campbell-Price Bill will be ineffective, if not actually non-existent as far as money is concerned.

This matter is of extreme importance to those interested in the development of the oyster industries of Maryland, and consequently in support of this contention there is quoted below a carefully prepared statement from Dr. H. F. Moore of the United States Bureau of Fisheries, who has a world-wide knowledge and practical experience in all phases of the "oyster question."

Doctor Moore writes : " As I view the case, the amendments asked for represent the irreducible minimum necessary to perfect the law and make it effective. The elimination of any part of the amendments will be against the interests of the

State, oyster culture and the oyster industry as a whole, and will seriously retard the assumption of the position to which Maryland's natural advantages entitle her. The amendments were proposed after careful consideration, all not absolutely essential was eliminated, and there was nothing inserted for the purpose of trading or compromise."

"I do not believe that your Commission can afford to acquiesce, even under stress, to measures which will militate against the interests entrusted to your care. I do not understand that you even contemplate such action, but feel that my connection with the Maryland survey makes it obligatory, in justice to myself, to express myself frankly. Should an unsatisfactory compromise be accomplished, the odium of its failure as a practical measure must fall on all who acquiesced in its perpetration. If the recommendations of the Commission be rejected, the responsibility will lie on those who opposed them, and we who have endeavored to give the subject our best study will be absolved."

The existing laws have been construed to prohibit oyster planters from taking their cultivated oysters from leased oyster beds by any means not permitted in taking oysters from the natural oyster bars of the same locality. Which construction of the law should be contrasted with the facts that the oyster planter must pay rental to the State, must prepare the leased bottoms for planting, must purchase and plant seed oysters, must cultivate the oysters when planted, and provide private police protection, while on the other hand the competing oystermen using the neighboring natural oyster bars are under no such expense.

The preceding amendments remove certain of these restrictions on oyster planting for certain months of the year; and then only for week days (not Sundays) between the times of sunrise and sunset; and they also stipulate that notice of such intention must be given certain oyster police officials after the close of the dredging season.

The use of tongs for gathering oysters is a slow and expensive method, and can be profitably employed only in case the bottom is closely stocked with oysters; hence lessees of oyster lots in localities where dredging is prohibited are compelled to plant their oysters so thickly upon the bottom that the available supply of oyster food in the water is not sufficient to provide for their proper nourishment and growth. The numerous failures in oyster culture which are due to such overplanting can be largely avoided when the right to gather planted oysters with a dredge has been granted. Planters will then be able to take into account the oyster food supply and distribute their oysters accordingly, for no matter how scatteringly oysters may be distributed over the bottom, they can be rapidly and economically gathered with proper equipment.

The sudden scarcity or abundance of a food supply increases or decreases its value a corresponding amount. Oysters are no exception to this rule, and the use of economical equipment for quickly gathering cultivated oysters from a known supply on leased bottoms is one absolutely essential requirement for profitable oyster farming. It is partly through such profits as come from prompt delivery of oysters at the best market price that an oyster planter is enabled to compete with the

natural bar oystermen who have no extra expenses of rental, shelling of bottoms, purchase of seed, policing of property, and so forth.

The granting of the privileges permitted by the proposed amendments to Section 112 are opposed chiefly on the ground that oyster planters will take a criminal advantage of these rights to steal oysters from the natural oyster bars. As a matter of fact, all know that the real danger is quite the reverse, and that an oyster planter with his vested interests in his oysters on his leased beds has the more to fear when it comes to "appropriating" oysters from the oyster-producing waters of Maryland. Retaliation by natural-growth oystermen for the misuse of privileges by the oyster planter would be only too easy. While on the other hand there is no way by which the planter can punish the "natural growther" except to catch him "red-handed."

However, in spite of these facts, and as a further answer to the objections raised against the granting of the proposed privileges, there has been added a new section (112 A) which provides ample and effective means for conviction and punishment of any planter so short-sighted as to attempt stealing of oysters from public oyster bars. For additional comments on this phase of the amendments see the discussion under the heading of Section 112 A.

SECTION 116. In addition to other penalties herein provided, any person convicted of a violation of this act under either of the (*three*) SIX preceding sections (SECTIONS 112-A to 115-A, BOTH INCLUSIVE), shall be and is hereby denied the right to take out any license to dredge, scrape or tong for oysters in any waters of this State for the period of three years after said conviction.

Discussion: The amendments to the preceding section are only made for the technical legal reason of making its penalties applicable to violators of the law under Section 112 and the two following new Sections 112 A and 115 A.

SECTION 118. The revenue arising from the operation of this Act shall be applied in the following manner :

First: To the payment of all (*salaries*) expenses (*surveys, outlays*) and disbursements authorized by this Act.

Second: The balance to be paid at the end of each year into the Treasury of the State (*leaving, however, a balance of Ten Thousand Dollars with the Board of Shell Fish Commissioners to be applied to the current expenses of its office for the ensuing year. All moneys so paid aforesaid into the Treasury of the State shall be placed to the credit of a special fund called the "Special Road Fund"*), TO BE PLACED TO THE CREDIT OF, AND DIVIDED EQUALLY BETWEEN TWO SPECIAL FUNDS THE FIRST TO BE KNOWN AS THE "SPECIAL ROAD FUND," AND THE SECOND TO BE KNOWN AS A "FUND FOR THE CONSERVATION OF NATURAL OYSTER BARS."

Discussion : The preceding amendments provide for the Conservation of Natural Oyster Bars through reshellings and restocking by establishing a fund for that purpose equal to one-half of the net revenue received from the leasing of oyster plantations on barren bottoms.

The omitted portions of Section 118 of the existing law are no longer necessary as the Maryland Oyster Survey is now complete, and no further money is required for that purpose.

In connection with these amendments, it is pertinent to state that it is estimated the revenue which will be received from leasing of barren bottoms within the next five years will net at least \$50,000 a year, and that ultimately the revenue from this source should reach some hundreds of thousands of dollars annually. PROVIDED, THAT LAWS PERMITTING OYSTER PLANTING ON A PRACTICAL BASIS SUCH AS EXIST IN PROGRESSIVE OYSTER CULTURE STATES BE ENACTED BY THE MARYLAND LEGISLATURE.

SEC. 2. *AND BE IT* ENACTED, THAT THE FOLLOWING SECTION BE AND IT IS HEREBY ADDED TO ARTICLE 72 OF THE CODE OF PUBLIC GENERAL LAWS, TITLE "OYSTERS", TO FOLLOW SECTION 112, AND TO BE DESIGNATED AS SECTION 112-A:

SECTION 112 A. ANY PERSON WHO, BEING A LESSEE UNDER THE PROVISIONS OF THIS ACT, SHALL DREDGE OR OTHERWISE TAKE OYSTERS FROM ANY OF THE NATURAL BEDS OR BARS IN THE WATERS OF THIS STATE, IN VIOLATION OF ANY OF THE LAWS OF THIS STATE, SHALL BE DEEMED GUILTY OF A MISDEMEANOR, AND UPON INDICTMENT AND CONVICTION IN ANY CIRCUIT

COURT FOR ANY COUNTY OF THIS STATE, OR IN THE CRIMINAL COURT OF BALTIMORE CITY, BEFORE WHICH SUCH CASE IS TRIED, SHALL BE SUBJECT TO ALL THE PENALTIES PROVIDED IN SECTION 24 OF THIS ARTICLE FOR TAKING OYSTERS UNLAWFULLY WITHIN THE PROVISIONS OF CERTAIN SECTIONS THEREIN REFERRED TO.

Discussion : The preceding amendments provide for the punishment of any lessee of oyster bottoms who is foolish enough to violate the laws of the state by dredging oysters from natural oyster bars.

It is held by opponents to oyster culture in Maryland that the government of the State of Maryland is unable to protect itself against the assumed criminal oyster planters, and therefore the preceding amendment would not be effective.

Such an assumption that oyster planters are criminals and that the State of Maryland has not the power to protect herself against such criminals is unreasonable, a slander on the people of Maryland, and on the administration of the government of Maryland, and it is unbelievable that such an assumption will be permanently accepted as a truth by the law-abiding people of Maryland.

As a matter of fact, two honest police officials located on shore with telescopes and a speed motor boat nearby, could easily capture any criminal oyster planter violating the laws of the State. And the conviction of one or two such planters, with the attending disgrace of criminal punishment and the penalties provided for under the preceding section would go far towards creating a public sentiment and fear that would protect the public oyster bars from such marauders.

Section 24 referred to in the preceding section 112 A is as follows :

(1894, ch. 380, sec. 23.)

24. ANY MASTER OR PERSON IN CHARGE OF ANY VESSEL WHO SHALL VIOLATE ANY OF THE PROVISIONS OF THE PRECEDING SECTIONS FROM 19 TO 21 INCLUSIVE BY TAKING OYSTERS UNLAWFULLY SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON INDICTMENT AND CONVICTION IN ANY CIRCUIT COURT IN THIS STATE, OR IN THE CRIMINAL COURT OF BALTIMORE, BEFORE WHICH SUCH CASE IS TRIED, SHALL BE SENTENCED TO THE HOUSE OF CORRECTION FOR A TERM NOT LESS THAN THREE MONTHS NOR MORE THAN ONE YEAR AND THE BOAT OR VESSEL USED IN SUCH VIOLATION, TOGETHER WITH THE PAPERS, FURNITURE AND TACKLE ON BOARD OF SAID BOAT OR VESSEL AT THE TIME OF SAID VIOLATION SHALL BE FORFEITED, BUT SHALL BE RELEASED UPON THE PAYMENT OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS AND COSTS AND EXPENSES FOR EACH AND EVERY VIOLATION OF THE PRECEDING SECTIONS, IN THE DISCRETION OF THE COURT.

SEC. 3. *AND BE IT ENACTED*, THAT THE FOLLOWING SECTION BE AND IT IS HEREBY ADDED TO ARTICLE 72 OF THE CODE OF PUBLIC GENERAL LAWS, TITLE "OYSTERS", TO FOLLOW SECTION 115 AND TO BE DESIGNATED AS SECTION 115 A :

SECTION 115 A. It SHALL BE UNLAWFUL FOR ANY PERSON OTHER THAN A LESSEE UNDER THIS ACT, OR FOR ANY LESSEE UNDER THIS ACT, WHILE HE SHALL BE IN DEFAULT IN PAYMENT ON RENT, TO APPROPRIATE TO HIMSELF FOR ANY PURPOSE ANY OF THE BARREN BOTTOMS UNDER THE WATERS OF THIS STATE WHICH ARE, BY THE PROVISIONS OF THIS ACT, SUBJECT TO LEASE, OR TO USE ANY SUCH BARREN BOTTOMS IN ANY WAY FOR THE PURPOSE OF BEDDING, PLANTING OR CULTIVATING OYSTERS, AND ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS SECTION SHALL BE DEEMED GUILTY OF A MISDEMEANOR, AND UPON INDICTMENT AND CONVICTION IN ANY CIRCUIT COURT FOR ANY COUNTY IN THIS STATE, OR IN THE CRIMINAL COURT OF BALTIMORE CITY, BEFORE WHICH SUCH CASE IS TRIED, SHALL BE FINED THE SUM OF FIFTY DOLLARS FOR EACH VIOLATION THEREOF. EACH DAY DURING WHICH OR IN WHICH ANY OF THE ACTS PROHIBITED BY THIS SECTION MAY BE PERFORMED SHALL CONSTITUTE A SEPARATE VIOLATION OF ITS PROVISIONS. IT SHALL BE THE DUTY OF THE STATE'S ATTORNEY OF THE COUNTY HAVING JURISDICTION, OR OF BALTIMORE CITY AT THE REQUEST OF THE BOARD OF SHELL FISH COMMISSIONERS, TO PROSECUTE ANY ONE VIOLATING THE PROVISIONS OF THIS SECTION. THE NET PROCEEDS OF FINES COLLECTED UNDER THIS SECTION SHALL BE APPLIED AS FOLLOWS: ONE-HALF OF THE SAME SHALL BE PAID TO THE INFORMER, IF ANY, AND THE REMAINDER SHALL BE APPLIED ACCORDING TO THE PROVISIONS OF SECTION 118 OF THIS ARTICLE.

Discussion : The preceding section together with section 105 as amended provide for the collection of rentals for use of State owned oyster bottoms, be they leased or otherwise appropriated without a lease.

From the standpoint of the State there is one serious defect in the law as originally enacted, whereby it has been found to be impossible to collect the rents due for the use of lots leased from the State for the purpose of oyster culture or to prevent individuals from appropriating and using oyster lands for oyster-planting operations without having first leased them from the State.

A very considerable number of lots are now held and used for oyster-planting purposes by planters who pay no rent to the State. Some of these lots have been surveyed, records have been made of the surveys, and leases have been issued to the holders, but others are being held and used without any formality having been entered into between the holders and the State.

The State, having expended a considerable sum of money in perfecting the conditions under which oyster culture may be successfully carried on, should now take the necessary steps to prohibit the use of ground for oyster culture by persons who do not hold leases to the ground or who are delinquent in the payment of rent.

SECTION 4. *AND BE IT ENACTED*, THAT THE FOLLOWING SIX SECTIONS BE AND THEY ARE HEREBY ADDED TO ARTICLE 72 OF THE CODE OF PUBLIC GENERAL LAWS, TITLE "OYSTERS," TO FOLLOW SECTION 119, AND TO BE DESIGNATED AS SECTIONS 119 A, 119 B, 119 C, 119 D, 119 E AND 119 F :

Note: The following six sections relate to the "Price Oyster Plan" for the "Conservation of Natural Oyster Bars," and are discussed in that part of this publication immediately following Section 119 F.

SECTION 119 A. IT SHALL BE THE DUTY OF THE BOARD OF SHELL FISH COMMISSIONERS TO TAKE SUCH MEASURES AS IN ITS JUDGMENT SHALL SEEM BEST CALCULATED TO INCREASE THE PRODUCTIVITY OF ANY PART OF THE NATURAL OYSTER BARS DEFINED AS SUCH BY RECORDS AND CHARTS FILED WITH THE COURTS OF THIS STATE; AND THE EXPENSE OF SO DOING SHALL BE PAID OUT OF THE "FUND FOR THE CONSERVATION OF NATURAL OYSTER BARS," UPON REQUISITION MADE BY THE BOARD OF SHELL FISH COMMISSIONERS, ENDORSED BY THE COMPTROLLER OF THE STATE.

SECTION 119 B. ANY NATURAL OYSTER BAR OR BARS, OR PARTS OF BAR OR BARS, WHICH THE BOARD OF SHELL FISH COMMISSIONERS MAY DESIGNATE FOR THE PURPOSE OF BEING CULTIVATED AND RESTORED MAY BE EXEMPTED BY THE BOARD OF SHELL FISH COMMISSIONERS FROM ALL RIGHTS OF TAKING OYSTERS IN ANY

MANNER BY ANY PERSON WHATSOEVER FOR A PERIOD TO BE SPECIFIED IN A NOTICE OF SUCH INTENTION TO BE PUBLISHED IN LOCAL PAPERS THIRTY DAYS PRIOR TO SUCH ACTION; PROVIDED THAT SAID PUBLISHED NOTICE SHALL BECOME VOID AND OF NO EFFECT AT ANY TIME DURING THE PERIOD OF THIRTY DAYS AFTER THE PUBLICATION OF SAID NOTICE BY THE FILING OF A PETITION WITH THE BOARD OF SHELL FISH COMMISSIONERS SIGNED BY TWENTY-FIVE LICENSED OYSTERMEN ENTITLED TO TAKE OYSTERS FROM THE BARS OR PARTS OF BARS DESIGNATED BY THE SAID NOTICE.

SECTION 119 C. FOR THE PURPOSE OF PERFORMING THE DUTIES IMPOSED UPON THE BOARD OF SHELL FISH COMMISSIONERS BY SECTIONS 119 A AND 119 B, THEY MAY EMPLOY A SUPERINTENDENT OF NATURAL OYSTER BARS, OR DESIGNATE ONE OF THE EMPLOYEES OF THE BOARD OF SHELL FISH COMMISSIONERS TO ACT AS SUCH, AND IT SHALL BE THE DUTY OF SUCH SUPERINTENDENT, UNDER DIRECTION OF THE BOARD OF SHELL FISH COMMISSIONERS, TO GIVE PERSONAL SUPERVISION TO THE WORK OF CULTIVATING AND RESTORING THE NATURAL OYSTER BARS DESIGNATED FOR THAT PURPOSE BY THE ORDER OF THE BOARD OF SHELL FISH COMMISSIONERS.

SECTION 119 D. THE BOARD OF SHELL FISH COMMISSIONERS, IN ADDITION TO TAKING SUCH MEASURES OF CONSERVATION OF NATURAL OYSTER BARS AS IN ITS JUDGMENT SEEMS ADVISABLE, SHALL PURCHASE FROM THE LOWEST RESPONSIBLE BIDDER, SHELLS OR OYSTERS AT SUCH

PLACES AND IN SUCH QUANTITIES AS MAY BE NEEDED FOR THE PURPOSE OF RESTORING THE NATURAL OYSTER BARS, AND IN INVITING PROPOSALS FOR SUCH SHELLS OR OYSTERS THEY MAY PRESCRIBE THAT THE SHELLS OR OYSTERS SHALL BE DELIVERED AT A CONVENIENT PLACE FOR SHIPMENT, OR THEY MAY REQUIRE THAT THE SAID SHELLS OR OYSTERS BE DELIVERED AND DISTRIBUTED BY THE SELLERS THEREOF ON SUCH PARTICULAR NATURAL OYSTER BARS, OR PARTS OF BARS, AS THE BOARD OF SHELL FISH COMMISSIONERS MAY BE ENGAGED IN CULTIVATING AND RESTORING, AND THE BOARD OF SHELL FISH COMMISSIONERS SHALL HAVE THE POWER TO CAUSE SUCH SHELLS OR OYSTERS TO BE PROPERLY DISTRIBUTED ON THE DESIGNATED NATURAL OYSTER BARS, OR PARTS OF BARS UNDER THE DIRECTION OF THE SUPERINTENDENT OF NATURAL OYSTER BARS.

SECTION 119E. FOR THE PURPOSE OF DISCHARGING THE DUTIES IMPOSED UPON IT BY THE FOUR PRECEDING SECTIONS OF THIS ACT, THE BOARD OF SHELL FISH COMMISSIONERS SHALL HAVE THE SAME CONTROL AND DIRECTION AND BE TO THE SAME EXTENT OVER THE STATE FISHERY FORCE, AS IS GIVEN TO SAID BOARD OF SHELL FISH COMMISSIONERS BY SECTION 97 OF THIS ARTICLE.

SECTION 119F. THE SAID BOARD OF SHELL FISH COMMISSIONERS SHALL IN NO CASE CONTRACT ANY OBLIGATION OR INCUR ANY INDEBTEDNESS FOR THE RESTORING AND RE-SHELLING OF NATURAL OYSTER BARS IN EXCESS OF MONEY AT THE TIME OF THE INCURRING OF SAID OBLI-

GATION OR CONTRACTING OF SAID DEBT, IN THE
STATE TREASURY TO THE CREDIT OF THE "FUND
FOR CONSERVATION OF NATURAL OYSTER BARS."

Discussion: The preceding six new sections 119A to 119F inclusive, provide in accordance with the "Price Oyster Plan" for conservation and restoration of the 215,852 acres of natural oyster bars reserved for the sole use of oystermen by the Maryland Oyster Survey. The money for this purpose to be obtained *through revenues that will be received from the leasing of oyster plantations on barren bottoms as soon as laws are passed by the Maryland Legislature permitting oyster culture on the same practical basis existing in those progressive oyster culture states which are now rapidly taking away the better part of the oyster trade once held by Maryland.*

The history of the growth and decline of the industry of taking oysters from the natural oyster bars of Maryland shows that these oyster bars produced an average of 12,000,000 bushels during the fifteen years of 1873-88, and that now by reason of a lack of remedial legislation providing for the practical conservation of these vast oyster resources these same oyster bars only produce 4,000,000 bushels.

Stating the preceding paragraph in another way, the oystermen of Maryland have been permitted to so rob themselves since the fifteen years ending in 1888, that it is conservatively estimated on the basis of present prices that *they have made useless over thirty million dollars of their own oyster properties.*

In the face of these facts the need of the conservation of the natural oyster bars of Maryland can not be honestly questioned, or can it be open to doubt in the face of other facts stated in other parts of this pamphlet that the leasing of oyster plantations on barren bottoms will provide the necessary revenue for this purpose, *provided oyster laws are passed by the Maryland Legislature permitting oyster culture on the same practical basis existing in progressive oyster culture States which have increased their production of oysters by 8,000,000 bushels during the same period in which the production of oysters in Maryland was decreased by the same amount.*

SECTION 5. *AND BE IT ENACTED*, THIS ACT SHALL TAKE EFFECT FROM THE DATE OF ITS PASSAGE, AND THAT ALL ACTS, OR PORTIONS OF ACTS, INCONSISTENT HERewith, SHALL BE AND THE SAME ARE HEREBY REPEALED.

NOTES RELATING TO THE DEVELOPMENT
AND CONSERVATION OF THE OYSTER
RESOURCES OF MARYLAND.

(Cross-References to Notes.)

Advance of oyster industries in other States.

Notes : 4, 9, 12, 21, 22, 23.

Area that may be leased.

Notes : 14, 31, 34, 37.

Barren bottoms available for oyster planting under practical
oyster culture laws.

Notes : 10, 15, 21, 34, 37.

Benefits of oyster culture and conservation to oystermen.

Notes : 8, 17, 21, 23, 28, 36.

Conditions for oyster culture in Maryland different from other
States.

Notes : 4, 7, 9, 16, 18, 21, 22, 26, 35.

Connecticut.

Notes : 7, 9, 16, 21.

Conservation of natural oyster bars.

Notes : 8, 13, 19, 23, 28, 29, 30, 38.

Corporations can not engage in oyster culture.

Notes : 14, 33, 34.

Danger of monopoly from oyster culture.

Notes : 14, 31, 34, 37.

Danger of monopoly from dredging under existing laws.

Note : 37.

Decline of Maryland's oyster industries.

Notes : 13, 23, 28, 29, 38.

Destruction of the natural oyster bars.

Notes : 8, 13, 26, 28, 29, 30, 38.

Essentials for success in oyster culture in Maryland.

Note : 15.

Expenses of the Maryland Shell Fish Commission.

Note : 39.

Expenses of the State Fishery Force.

Notes : 19, 30.

Glut of oysters.

Notes : 23, 35, 36.

Greatness of the oyster industry of the United States.

Notes : 3, 25.

Growth of oyster industries of United States while those of Maryland have decreased.

Notes : 9, 13, 21, 23, 35.

History of the growth and decline of Maryland's oyster industries.

Notes : 8, 13, 38.

Is oyster culture a theory?

Notes : 4, 9, 12, 13, 16, 20, 21, 22, 24, 35.

Kellogg on the oyster in politics.

Note : 26.

Loss due to a lack of remedial legislation.

Notes : 1, 8, 10, 19, 23, 26, 28, 29, 38.

Maryland Oyster Survey.

Notes : 2, 6, 10, 11, 27, 39.

Maryland's rank as an oyster producing State.

Notes : 3, 18, 21, 26, 38.

Natural oyster bars irrevocably reserved for the oystermen of Maryland.

Notes : 2, 6, 11, 21, 27.

New York.

Notes : 9, 18.

Non-residents.

Notes : 14, 32.

Opportunity for individual oystermen to become oyster planters.

Note : 17.

Oyster legislation.

Notes : 1, 10, 15, 26.

Quantity of cultivated oysters in the United States.

Notes : 12, 23, 35, 38.

Rhode Island.

Notes : 5, 24.

Revenue to State government from oyster planting.

Notes : 5, 24, 39.

Starfish and other enemies to oyster culture.

Note : 7.

Total production of oysters in the United States.

Notes : 3, 12, 23, 25.

Virginia.

Notes : 4, 22.

Value of cultivated oysters in the United States.

Notes : 12, 18, 23, 35.

Will oyster culture reduce prices?

Note : 36.

NOTES RELATING TO THE DEVELOPMENT OF THE OYSTER RESOURCES OF MARYLAND.

1. The aim of future oyster legislation in Maryland should be to develop her vast oyster resources, and then to so manage them that they will produce a large revenue for the benefit of the entire State. For more than thirty years all oyster legislation has been directed toward preventing the destruction of natural oyster bars, *but this legislation has done nothing more than to retard this destruction.* And now greatly to the discredit of Maryland's administrative capacity, her oyster industries have not only degenerated to one-fifth of their known possibilities but they have also become an expense to the State instead of a source of great revenue.

2. The State and Federal governments combined have expended over two hundred thousand dollars and over five years of time in surveying the more than two hundred thousand acres of the natural oyster bars of Maryland so that they could be accurately charted for the purpose of irrevocably reserving them for the sole use of oystermen.

3. It is estimated that in 1910-11 the total production of oysters in the United States was 35,000,000 bushels and that Maryland only supplied *one-tenth of this total.*

4. Just on the other side of the imaginary Maryland-Virginia boundary line in the county of Accomac, in the State of Virginia, there are thousands of acres of oyster bottoms under cultivation as contrasted with tens of acres in the adjacent county of Somerset in the State of Maryland.

5. In Rhode Island one oyster planter alone pays the government of that State \$27,000 each year for the rental of 4,700 acres of barren bottoms where oysters never grew before they were cultivated.

6. The Haman Oyster Culture Law provided that an accurate survey of the natural oyster bars should be made, and its provisions for this purpose have proven to be most practical and satisfactory. As a result of this survey 215,852 acres of natural oyster bars have been charted and reserved for the sole use of oystermen. This area greatly exceeds any estimate made previous to the survey. And this fact should convince all fair-minded oystermen that the State has no thought of sacrificing their interests for the benefit of oyster planters.

7. In Connecticut and many other oyster-culture States the oyster planters have to expend large sums of money in protecting their oysters against destruction by star fish and other enemies of oysters. In Maryland the oysters are practically free of such enemies, and this one thing alone gives the oyster planters of Maryland a great advantage over many of their competitors in other States.

8. The oystermen of Maryland have so robbed themselves since 1884, that it is conservatively estimated on the basis of present prices that they have made useless *over thirty million dollars* worth of their own oyster properties and at the same time prevented for all those years the development of other oyster properties of fully equal value.

9. By oyster culture methods Connecticut, Rhode Island, New York, New Jersey and Delaware *have greatly increased both the quantity and the value of their oysters, while on the other hand during the same period Maryland has greatly decreased both the quantity and the value of her oysters.*

10. The Maryland Oyster Survey has shown that, in addition to 215,852 acres of natural oyster bars, the State of Maryland owns and absolutely controls *300,000 acres of bottoms which can produce oysters but which are now barren.* And it has been clearly demonstrated that the Haman Oyster Culture Law in

its present form fails to provide the necessary foundation required for the practical development of oyster culture on these 300,000 acres of the state-owned oyster bottoms.

11. The State and Federal governments combined have published and filed with the courts of Maryland over two thousand printed pages of technical records, and forty-four large charts, for the sole purpose of defining and securing to the oystermen of Maryland all their ancient rights of free fishery on over two hundred thousand acres of public oyster bars.

12. In 1908 forty-four per cent of all oysters produced in the United States were cultivated oysters, and their value was sixty-five per cent. of the total.

13. Connecticut, Rhode Island, New York, New Jersey and Virginia have greatly increased their production of oysters while Maryland has decreased her production of oysters from *fifteen million of bushel in 1884-85 to three and one-half million of bushels in 1910-11.*

14. If the Haman Oyster Culture Law is amended as proposed by the Campbell-Price Bill, it will still say that "no corporation, or joint stock company, shall be permitted to lease or take up, or to acquire by assignment, or otherwise, any lands of the State for oyster planting or cultivation;" that the "term of all leases shall be twenty years;" that "leases shall be made only to residents of Maryland;" and that "no person shall be permitted, by lease, assignment, or in any manner, to acquire a greater amount of land than thirty acres situated within territorial limits of the counties, or five hundred acres in any other place."

15. Maryland has stopped short of offering sufficient inducements to her citizens to cultivate oysters on barren bottoms.

She has withheld certain rights and privileges which are recognized by all progressive oyster States as being absolutely essential to success in oyster planting operations, and it is folly to expect, and wrong to urge Maryland's citizens, to lease any portion of her 300,000 acres of state-owned barren oyster bottoms until her laws are so amended as to provide the rights and privileges demonstrated to be essential to success in culture of oysters on bottoms where oysters do not now grow.

16. One oyster culturist in Connecticut plants over five hundred thousand bushels of clean shells each year to catch "oyster spat" for seed, while in Maryland nature provides each year many hundreds of thousands of bushels of seed oysters which are killed each year by freshets, and are thus wasted unless illegally taken up for steaming or selling to oyster planters of Connecticut, Virginia and other States.

17. Oyster planting not only benefits the oyster planter but also benefits the oystermen in many ways, as for example: establishing brands for oysters that increase the reputation and value of all oysters of the State including those taken from the natural oyster bars; increasing the number of "spat" likely to "set" on the natural oyster bars; increasing the demand and consequently the price of small oysters only fit for planting; supplying opportunities for employment in cultivation of oyster farms during closed season; increasing the demand and consequently the price of shells; and in addition to these benefits the Maryland oyster culture laws furnish every opportunity for the individual oysterman to become an oyster planter.

18. In 1908 Maryland produced two and one-fifth times as many bushels of oysters as New York, yet in the same year New York received fourteen per cent. more money for her oysters than did Maryland.

19. The people of the whole State of Maryland are now paying the oyster police officials of Maryland nearly fifty thousand dollars each year for the purpose of protecting the ancient privileges of oystermen to state-owned oyster properties that experts say will some day pay a net income of ten per cent. on over one hundred million of dollars; and this, too, in the face of the fact that these properties have been so depleted by these same oystermen that they do not now pay the oystermen more than ten per cent. on twenty million of dollars.

20. The last edition of the Encyclopedia Britanica states that not over seven per cent. of all European oysters are gathered from natural oyster bars.

21. Nature only provided Connecticut with one thirty-seventh of the area of natural oyster bars she gave to Maryland, and yet in 1908 through cultivation of her oyster resources, the value of the oysters sold by Connecticut was fourteen per cent. greater than the value of oysters sold the same year by Maryland.

22. A report of the U. S. Census Bureau states that in 1908 the leased areas of Virginia contributed fifty-seven per cent. of the value of all her oysters.

23. Oystermen of other states have managed their oyster resources so as to *increase* the total production of the United States by about *ten million of bushels* during the last twenty-five years while Maryland's oystermen during the same period have so managed their oyster resources as to *decrease* the production of oysters in Maryland by the same *ten million of bushels of oysters*; and the question is, who lost and who gained the money paid for those ten million bushels?

24. In the small State of Rhode Island, the net oyster revenue received from 19,000 acres of leased bottoms formerly barren of oysters is over one hundred thousand dollars each year.

25. Kellogg says in his book on Shell Fish Industries :
 "Our attention is often called in a deprecating manner to the enthusiastic admiration of many Americans for big things possessed by their country." "But possibly it will do no harm to make the statement for the benefit of such enthusiastic Americans, that nowhere do oysters grow so rapidly, nowhere are they so abundant, *nowhere may they be so easily cultivated*, and nowhere is the oyster area of such vast extent as on our shores." "In truth, here is very much the largest thing of its kind in the world."

26. Kellogg says in his book on Shell Fish Industries :
 "Of late years it has everywhere become the habit to refer to the *upper* Chesapeake as the dead goose that laid golden eggs. When modern oyster laws are being demanded in other states, Maryland is exhibited as the horrible example of faulty legislation on the oyster industry."

"An American from any other part of the country knows without being told that such a state of affairs is probably to be explained by what is the fact in this case—that the Maryland oyster is deeply involved in politics."

27. In Maryland the State and Federal governments combined have made over one hundred and eighty thousand soundings and chain readings covering a distance of over three thousand miles ; have examined the oysters on the bottom at eleven thousand oyster investigation stations ; and have permanently secured the location of this information by establishing eleven hundred triangulation landmarks on shore marked by monuments weighing a total of two hundred thousand pounds ; all for the purpose of determining and defining for all time the boundaries of the more than two hundred thousand acres of natural oyster bars reserved for the sole use of oystermen by the terms of the Haman Oyster Culture Law.

28. During the fifteen years of 1873 to 1888 nature gave the oystermen of Maryland an average of twelve million bushels of oysters for each of these fifteen years, and yet in the face of this fifteen years' demonstration of the capacity of the waters of Maryland to produce oysters, nature only gave the oystermen of Maryland some three and a-half million of bushels of oysters in the season of 1910-11.

29. The United States Census Bureau states that "the value of the oyster products of Maryland decreased twenty-three per cent. during the eleven years from 1897 to 1908, which contrasts sharply with an increase of forty-seven per cent. in the aggregate value of all other fishery products in that State during the same period."

30. The State of Maryland now expends thousands of dollars each year to keep oyster dredgers from robbing the oyster tongers, and to keep both the tongers and dredgers from robbing themselves by taking half-grown oysters.

31. If any one oyster planter in Maryland should lease the maximum of five hundred acres permitted by the Haman Oyster Culture Law as amended by the Campbell-Price Bill, and if this five hundred acres was made to produce the average amount of oysters taken from a similar area of Maryland's natural oyster bars, this oyster planter would only increase the output of oysters in Maryland by one four-hundredth part.

Or stating it more broadly and accurately this oyster planter under the conditions described would only increase the total output of oysters in the United States by one part in four thousand.

This indicates very clearly that neither a monopoly or a glut in oysters is likely to result from oyster planting under the rigid restrictions provided by the Haman Law as it is proposed to amend it by the Campbell-Price Bill.

32. Section 110 of the amended Haman Oyster Culture Law says : "No assignment or transfer of any interest acquired by this Act shall be valid for any purpose if made to a non-resident of this State."

33. Section 110 of the amended Haman Oyster Culture Law says : "If any assignment of any interest created by this Act is attempted to be made to any corporation or joint stock company, all the interest of the grantor or assignor shall revert to the State as if no lease had ever been made."

34. Section 110 of the amended Haman Oyster Culture Law says : "If any assignment of any interest created by this Act is attempted to be made to any person in such a way that the assignee shall become the holder of more than thirty acres, one hundred acres, or five hundred acres as the case may be, according to the location of the land leased under this Act, all interest of the grantor or assignor, in case of such assignment, shall revert to the State as if no lease had been made."

35. In Maryland it is said that if oyster culture is not a theory that it will cause an over production of oysters which will reduce their price, and that it is not more oysters that are needed in Maryland but higher prices ; yet it is estimated that in the season of 1910-11, Maryland only supplied one-tenth of all the oysters produced in the United States, and it is known that Connecticut, Rhode Island, New York, New Jersey and Delaware have through oyster culture methods increased both the quantity and price of their oysters ; while on the other hand during the same period Maryland has greatly decreased both the quantity and the price of her oysters.

36. The real answers to the statement that "an increase in the production of oysters in Maryland will mean a loss to the oyster industries of the State by reason of low prices due to a 'glut' of oysters," are as follows :

1st. Oyster culture is the only method by which a periodical "glut" of oysters can be prevented. This fact is borne out by the history of oyster culture in all real oyster culture states. On reflection the reasons for this truth are many. One of them is the fact that the storage of marketable oysters on private oyster plantations is automatically increased through self-interest of the oyster planters when the prices of oysters are low, and likewise for similar reasons the quantity of marketable oysters on private oyster beds is decreased when the prices are high, thus maintaining a steady supply and the best market prices such as are paid for oysters in Connecticut, Rhode Island, New York, New Jersey and Delaware.

2nd. Another reason is that the demand for oyster and other fish foods of all sorts is increasing throughout the world by reason of growth of population and better facilities of transportation while the production of oysters in Maryland is decreasing; and incidentally in this connection it should be noted that other oyster culture states, unlike Maryland, believe that they can make more money by supplying this demand than they can by raising prices through restricting the production.

3rd. In fact, when it is remembered that Maryland only produces one-tenth of all the oysters of the United States, which oysters are of even less relative value, any attempt of Maryland to increase prices through monopoly of oysters is not only a hopeless undertaking but is also a policy that means an annual net loss to the industries of Maryland of one to three millions dollars each year.

37. It is stated that 500 acres of bottoms in the exposed open waters of Chesapeake Bay is too great for any one man to lease for purposes of oyster culture because it would mean a monopoly. Yet it is a fact that *if one firm in Maryland should*

happen to own only one per cent. of all the dredging boats of Maryland that this one firm would receive an amount of oysters from the free public natural oyster bars of Maryland equivalent to the production of 500 to 1,000 acres of these natural oyster bars.

No one who is familiar with the existing conditions dominating the oyster controversy in Maryland can doubt, that if one firm does not now own or control five to ten per cent. of the dredging boats of Maryland, that such a firm is likely to become a reality in the near future, and it ought to be known that such ownership or control of ten per cent. of the dredge boats of Maryland would mean that these owners would receive a quantity of oysters from the free public natural oyster bars of Maryland equivalent to the average production of 5,000 to 10,000 acres of natural oyster bars of a far better character than can be leased by an oyster planter.

However, even the control of the product of 10,000 acres of natural oyster bars would not constitute a *dredging monopoly*, because this would only mean that this assumed firm of oyster packers or dredgers owning the assumed dredging boats controlled something less than one-twenty-fifth of the production of oysters in Maryland, and that would mean in the final analysis that this one firm would only control one two hundred and fiftieth part of the total oyster production of the United States.

If the preceding statement of what may happen in Maryland under existing conditions of the oyster industry of that State, is contrasted with the fact that no oyster planter in Maryland is permitted by the Campbell-Price Bill to lease an area which will produce more than one four-thousandth part of the production of oysters in the United States, it becomes evident that there need be no fear of an oyster planter monopolist who is confined to 500 acres of barren bottom, which he must cover with shells, must plant with seed oysters, must cultivate, must protect against thieves, and for which he must pay the State an annual rent of \$500.

38. The history of the rise and fall of the production of oysters in Maryland is most instructive in showing the hopelessness of expecting that unaided nature will again restore Maryland to its rank as the greatest oyster state of the country.

Commencing with 1850, we find the quantity of oysters produced in that year was about 1,000,000 bushels; twenty years later in 1870 it was 10,000,000 bushels; in another five years in 1875 it reached 14,000,000 bushels; and in the year 1885 its marvelous growth attained its highest point of 15,000,000 bushels.

From 1885 to 1888, the production of oysters in Maryland declined to 10,000,000 bushels, the last date marking the end of a fifteen year period in which the natural oyster bars yielded to the oystermen of Maryland an average of 12,000,000 bushels a year. In 1897 the quantity of oysters produced by Maryland was something less than 6,000,000 bushels, and in 1910-11 it is conservatively estimated that the natural oyster bars of Maryland only yielded 4,000,000 bushels.

Accepting the figures as stated, the decline of Maryland's oyster industries since 1885 is represented at this date by a loss of 10,000,000 bushels of oysters each year.

The statistics from which the preceding facts were obtained are the best that are available *and there is no more reason to suppose that the actual decline in the production of oysters in Maryland was less than has been stated than there is reason to assume that it was greater.* But nevertheless, assuming that the figures of 15,000,000 in 1885 were too great by twenty-five per cent., and we still have nearly 12,000,000 bushels which is the same as the average given for the fifteen consecutive years of 1873 to 1888. And also assuming that the figure for 1910-11 is twenty-five per cent. in error, but in the opposite direction,

which is giving the "doubter" twenty-five per cent. leeway in his favor at both ends of the argument, and we still have only 5,000,000 bushels for the quantity of oysters now produced in Maryland.

These figures and facts speak for themselves, and it is only saying what is obvious, when we state that the 215,852 acres of natural oyster bars of Maryland should be looked after, not only in some manner different from that which has been applied in recent years but that also they should be restored to their former productivity of 12,000,000 bushels a year which we know they can and will yield under practical laws of conservation and restoration such as is provided by the "*Price Oyster Plan*."

39. The Maryland Oyster Survey has cost the State and Federal governments combined more than two hundred thousand dollars.

This survey is now completed and the expenses of the work will have entirely ceased by June 30th of this year.

From now on the cost of the administration of the Maryland Shell Fish Commission should not exceed \$7,000 a year, an amount that will undoubtedly be more than covered the first year by revenue received from the leasing of oyster plantations.

The second year the revenue should be doubled, and within ten years there is no reason to suppose that it will be less than \$100,000 annually and constantly growing larger. *Provided that the amendments to the Haman Oyster Culture Law of 1906 contained in the Campbell-Price Bill are enacted by the General Assembly of Maryland.*

EXTRACTS FROM PRINTED INTERVIEWS OR PUBLIC
ADDRESSES OF GOVERNOR GOLDSBOROUGH,
SENATOR PRICE, SENATOR CAMPBELL,
SENATOR GOSLIN, SENATOR MIL-
BOURNE, AND A REPRINT OF A
CLIPPING FROM THE EASTON
STAR-DEMOCRAT.

EXTRACT FROM ADDRESS OF GOVERNOR GOLDSBOROUGH BEFORE
A CONEERENCE OF THOSE INTERESTED IN THE OYSTER INDUS-
TRY CALLED BY HIM TO MEET AT ANNAPOLIS ON FEBRUARY
2, 1912.

(From the Baltimore NEWS of Feb. 2, 1912).

Governor Goldsborough opened the meeting with a short address, in which he said that the oyster industry in Maryland was languishing and that something should be done to improve conditions. As he came from an oyster-producing county, whatever measure of success he had met with was due to the oystermen, and therefore their welfare was dear to his heart.

FAVORS OYSTER CULTURE.

He said the needs of the tongers and the dredgers were the greatest and should be looked after by the State. He declared that he thought oyster culture desirable, but that it should not be accomplished at the expense of the men who for generations have earned their livelihood on the water.

He thought that the interests of those engaged in the various branches of the industry ought not to clash.

The Governor expressed the view that if any revenue is derived from the leasing of the barren bottoms not more than half should go to the roads, as is now provided, but that half should be devoted to a system of replenishing the natural beds and bars. He thought it wise to put the shells on the bars to improve the quality and the quantity of the product. He declared the oyster question the greatest problem now before the people of the State.

THE "PRICE OYSTER PLAN" AS DEVELOPED BY AN INTER-
VIEW WITH SENATOR PRICE.

(From the Baltimore SUN of Jan. 31, 1912.)

Senator Price, of Wicomico, the President of the Senate, is always interested in oyster legislation, representing as he does a large number of people engaged in taking and dealing in oysters. Besides this he is a Marylander and an active and successful business man, and is anxious to aid in any legislation which will upbuild the State, add to its wealth and give profitable employment to the people. Discussing the Campbell Oyster Planting Bill today, Senator Price said:

"The decreasing productiveness of the oyster bars of the Chesapeake and the increasing difficulty that the oystermen have in making a living warns the Legislature that something must be done to revise the great oyster industry of the State. I am advised that the annual catch of oysters has declined from something like 15,000,000 bushels a year down to 3,500,000. That means that a great number of people who formerly made their living by tonging, dredging and in the packing houses have been forced out of the business and have had to seek other employment, and that those who are still engaged in taking oysters do not make as good a living as they formerly did.

HOW BENEFITS MAY BE SHARED.

"Still a large number of our people remain in the business of taking oysters, and I think that the mistake that has been made in the bills for oyster planting that have come before the Legislature is that the tongers and dredgers have not been sufficiently considered. They have felt that their rights were ruthlessly invaded. Perhaps they were mistaken, but that is the way they have felt, and I, for one, cannot blame them. In my judgment it is absolutely essential to the complete success of the planting industry to have the assent and good will of the oystering people. How can this be attained?

"By making them share in the benefits of the planting law. This can be done in two ways:

"First, by applying at least half of the revenues from the leased bottoms to shelling the natural beds for the benefit of tongmen and dredgers.

"Second, by offering every inducement to the oystermen to engage in planting. This latter I understand is contemplated in the Campbell bill. This bill reduces the rentals for a number of years to \$1 an acre per annum and gives oystermen preference over others in leasing grounds.

WOULD MAKE BARS PRODUCTIVE.

"It is pretty certain that, if oyster shells were liberally scattered on the natural bars as clutch, those bars would soon become as productive as ever. Many of the bars have been scraped so clean that there is nothing for the spat to catch to, and the result is that most of them are greatly depleted, and some of them are now regarded as barren bottoms. It has long been the desire of the oyster people to restore these bars to their former productiveness, but they have never been able to accomplish it. In 1910 a law was enacted providing for reshelling the natural beds, and a tax was levied upon oysters to provide funds. That tax was declared invalid by the courts and nothing could be done.

INDUSTRY MUST BE RESCUED.

"I am advised that the members of the Shellfish Commission have said that they had information that from 20,000 to 40,000 acres of barren bottoms would be leased within 18 months after the Campbell bill passes. This would give at the proposed rental of \$1 an acre a revenue of from \$20,000 to \$40,000 a year. I believe that, if the Campbell bill were amended so as to give half this revenue to reshelling the natural beds, it would reconcile the oystering people to the bill by showing that their rights and interests are being fairly considered. As for me, I could not bring myself to vote for any oyster measure which I did not consider beneficial and fair to the oystering people. If the Campbell bill can be so amended as to take care of the natural bars, I could fairly and freely support it. The time has come when the oyster industry must be rescued from destruction, and some one must take the bull by the horns and do something."

Discussing the terms of the Campbell bill, Senator Price said he thought that, while the penalties put upon planters who would invade natural beds with their dredges are severe, they might be properly made more so by making the forfeiture of the oysters a part of the penalty. The sentiment in the oystering counties, he said, is such that there would be sure and swift punishment for such piracy, and if the dredging privilege is allowed the natural beds would be safe.

EXTRACT FROM AN INTERVIEW WITH SENATOR CAMPBELL EXPLAIN-
ING THE MAIN FEATURES OF THE CAMPBELL OYSTER
CULTURE BILL BEFORE IT WAS AMENDED IN
ACCORDANCE WITH THE PRICE
OYSTER PLAN.

(From the Baltimore SUN of Jan. 17, 1912).

Senator Campbell will tomorrow or some day soon introduce a carefully prepared bill amending the Haman Oyster Law. This bill is designed to give effect to the recommendations of the Shellfish Commission. The bill fixes rentals for leased bottoms at \$1 per acre until April 1, 1918. After that the rentals are to be \$1 per acre for the first two years, and then increasing \$1 a year annually up to \$5. The bill permits oysters for seed to be taken during September in the Potomac, above Cedar Point wharf, and in Broad Creek and Harris Creek. Lots may be leased as large as 30 acres in waters within the bounds of a county and 500 acres in the open bay, and an individual may lease as much as 100 acres in Tangier Sound. The leasing of ground is restricted to residents of Maryland. Certain preferences are granted to riparian owners and oystermen.

REASONS FOR THE BILL.

For years Senator Campbell has been interested in the oyster question, and in 1896 he took an active part in the passage of the Oyster Culture Law.

"It is my desire before I leave political life," he said yesterday, "to assist in putting oyster culture on a firm basis in Maryland. To this end I have prepared a bill which is generally along the lines proposed by the Shellfish Commission in its last report. It deviates, however, in a few particulars from these recommendations.

"I think non-residents ought not to be allowed to become lessees, and I have left this feature out of the bill. There is no doubt, however, that oyster farmers should have larger areas than they now have, and I have inserted 30 acres for county waters—except in Tangier Sound, where an individual may lease 100 acres—and in the open waters of the bay the amount which may be leased has been put at 500 acres.

EXTENDS TIME OF \$1 RENTALS.

"I have also extended the time for the payment of \$1 per acre rentals to 1918, and after that the rentals will gradually rise until the highest rental of \$5 per acre is reached. The bill provides that planters may dredge up the oysters from the beds, no matter where the beds are situated. My bill also pro-

vides the penalty of a House of Correction term and the forfeiture of the vessel for depredations on the natural beds. With such a provision, and with the existing sentiment all through the tidewater counties, which, very properly, would be bitter against any person raiding the natural beds, I consider the oystermen would be safe.

"Indeed, I regard the law as it now is as a kind of Magna Charta for the oystermen, establishing all their ancient privileges, but in its present shape it is of no use practically to the planters. Maryland cannot be forever behind other States in this matter of oyster culture. We have natural resources in this particular which no other State possesses, and we must now begin to develop them.

INCREASING SENTIMENT FOR PLANTING.

"I understand from the tidewater counties that since the survey was made and the oystermen now know there is no scheme on hand to deprive them of the natural beds there is increasing sentiment in favor of planting. I have hedged the bill around so that there can be no monopoly, and that only individuals of moderate means will care to go into the business, but I trust so many of them will begin business as to make a magnificent object lesson.

"It has been my purpose to assist the oystermen themselves. Such laws in other States have benefited the oystermen greatly, and my public ambition will be satisfied if, at the end of my term of office, I have been the means of introducing a just system of oyster culture under which the oystermen themselves can prosper.

"I have had the aid of the views of the tidewater people of all classes, and I am satisfied that this bill will meet the views of any reasonable man who wants oyster culture in any form."

AN EXTRACT FROM AN INTERVIEW WITH SENATOR GOSLIN STATING HIS POSITION IN REFERENCE TO THE CAMPBELL-PRICE BILL.

(From the Baltimore SUN of Feb. 1, 1912).

Discussing the oyster question generally this morning, Senator Goslin, of Caroline county, said:

"Some years ago the Legislature of Maryland passed a resolution requesting the co-operation of the United States Government in making a survey of the Chesapeake Bay bottoms, setting apart and defining the natural beds. The stated object of this survey was to promote the planting industry in Maryland. The United States Government responded generously to this appeal, assigned competent and highly skilled officials to

the work and in good faith spent. I am told, more than \$100,000 in complying with the request of the State. I am informed that the survey which has just been made by the State and Federal officials is one of the best ever made, and is valuable especially to the oystering people in definitely marking the boundaries of the natural beds. I think that good faith requires us to utilize the survey which the United States at our request helped to make. I voted for the bill at the last session presented by the Maryland Shellfish Commission because I was assured that it was necessary to making oyster planting a success, and I thought we ought for the reasons I have said to do all we could to promote the oyster-planting industry."

AN EXTRACT FROM AN INTERVIEW WITH SENATOR MILBOURNE
COMMENTING ON THE PRICE OYSTER PLAN.

(From the Baltimore SUN of Feb. 1, 1912).

Senator Milbourne represents one of the largest oystering counties in the State. Perhaps Somerset contains more men engaged in the oystering industries than any other. He is, therefore, deeply interested in the oyster question and keenly solicitous for the interests of his oystering people. Discussing the subject today Senator Milbourne said:

"I have read Senator Price's plan for shelling the natural bars with money coming from the rentals paid by the planters for leased bottoms. I think that plan is fair and will go far toward reconciling the oystering people to the planting system. Every citizen is interested in building up the wealth of the State; every Eastern Shoreman wants to see the oyster industry promoted. It seems to me that the bay and the rivers are big enough to provide places for planting without encroaching on the natural beds. The natural beds provide a living for a great multitude of people and they must be protected. Many of the beds have become depleted. They have been dredged clean and the clutch is all gone. More clutch should be provided and Senator Price's plan for spreading shells upon them seems to me to be a good one and if the tongmen and dredgers can be persuaded that their rights will be secure it will go far toward reconciling them to the Campbell bill.

"The question of rentals seems to need some adjustment. A flat rate does not seem to me to be equitable. I know barren bottoms which are well worth \$10 per annum per acre and other bottoms that are not worth over 25 cents. A flat rate does not seem to be right.

"The fact that years ago the natural beds produced 12,000,000 bushels of oysters," the Senator continued, "and now produce

only 4,000,000 tells the story. We have the same bottoms now that we had then and the same food to nourish the oysters. Something is therefore wanting and it should be supplied. The Legislature should apply the remedy. I believe that shelling the beds is the right remedy."

(Reprint from an article from the Easton STAR-DEMOCRAT of February 10, 1912).

COMPLIED WITH TALBOT VIEWS.

The Campbell Oyster Bill Was Reintroduced Because of Protests From This County.

The oyster bill introduced by Senator Campbell last week has been withdrawn and a new bill presented, owing to the vigorous protests made by Senator Dodson for the oyster interests of the county.

This new bill embodies the plan to devote one-half the rentals of the oyster bottoms to shelling the natural oyster beds and save them from depletion. It omits the section of the Campbell bill setting aside certain areas from which seed oysters might be taken, because of the objection to that provision by the oystering people of Talbot county.

The provisions giving planters the right to take oysters from their planted beds with dredges has been greatly modified so as to protect absolutely under heavy penalties the natural bars from depredation by the planters. Added to the penalty of imprisonment in the House of Correction, contained in the former bill, the new bill provides for imprisonment and forfeiture of the dredge boat used.

The Senators from the oyster counties will welcome an oyster bill that will be acceptable to their constituents and which will end the long contention in the Legislature over planting laws.

Senators Dodson, Milbourne, Beck, Bosley and Harper are the ones chiefly concerned. They will give the new oyster bill careful scrutiny before deciding what to do about it. All of them appreciate the efforts that have been made to meet their views and to satisfy the demands of their constituents. Persons familiar with the subject anticipate a bad session for the oystermen next year, because of the heavy ice on the flats during extremely low tides, when many bars are exposed.

Oyster county people are much concerned about the low price for oysters received by tongers and dredgers. They declare that at the extravagant prices the consumers in Baltimore and elsewhere have to pay the oystermen they ought to get more than they do. The Senators are talking about some plan for better marketing.

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